

BOARD OF PSYCHOLOGY

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BOARD MEETING MINUTES

Embassy Suites-LAX North

9801 Airport Boulevard

The Malibu Room

Los Angeles, CA 90045

(310) 215-1000

Friday, May 4, 2007

The open session meeting was called to order by the President, Jacqueline Horn, Ph.D., at 8:15 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Jacqueline Horn, Ph.D., President

James McGhee, Vice-President

Ellen Graff, Ph.D.

Sharon O'Connor, Ph.D.

William Lew Tan

Others Present:

Robert Kahane, Executive Officer

Jeffrey Thomas, Assistant Executive Officer

Norine Marks, Legal Counsel

Lavinia Snyder, Licensing/Registration Coordinator

Rashya Henderson, Consumer Services Analyst

Agenda Item #1 – Approval of Open Session Minutes

It was M(O'Connor)/S(Graff)/C to approve the February 9-10, 2007, open session minutes as amended.

Vote: 5 – 0

Open Session – Petitioner and Administrative Hearing

8:30 A.M. – SHOFF, Susan, Ph.D., Petition for Reinstatement of Revoked/Surrendered License

The meeting was re-opened at 8:33 a.m.

Administrative Law Judge Daniel Juarez presided. Deputy Attorney General Wendy Widlus was present and represented the people of the State of California. Susan Shoff, Ph.D., was present and was represented by attorney Steve Frankel.

The Board adjourned into closed session at the conclusion of the hearing.

Closed Session, upon conclusion of administrative hearing

The Board met in closed session pursuant to Government Code Section 11126(c)(3) to discuss and vote on disciplinary decisions and the petition for reinstatement.

12:30 P.M. – Open Session Committee Meetings

The Continuing Education Committee and Enforcement Committee met to discuss and formulate recommendations to the Board.

2:00 P.M. – Open Session Committee Meetings

The Credentials Committee, Consumer Education Committee, and Ad Hoc Committee on Facilitating Psychologists' Participation in Disaster Response met to discuss and formulate recommendations to the Board.

3:30 P.M. – Open Session Committee Meetings

The Examination Committee, Legislation Committee, and Personnel and Board Operations Committee met to discuss and formulate recommendations to the Board.

Saturday, May 5, 2007

The open session meeting was called to order by the President, Jacqueline Horn, Ph.D., at 8:01 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Jacqueline Horn, Ph.D., President
James McGhee, Vice-President
Howard Adelman, Ph.D.
Ellen Graff, Ph.D.
Sharon O'Connor, Ph.D.
William Lew Tan

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Lavinia Snyder, Licensing/Registration Coordinator
Rashya Henderson, Consumer Services Analyst

Agenda Item #2 – President's Report – Dr. Horn

a) California Psychological Association (CPA) Convention

Dr. Horn reported on the Board's attendance at the California Psychological Association Convention, which was held on April 12-15, 2007, in Costa Mesa, CA. She stated that she was invited to be part of a panel that took a look at the potential impact of the new APA guidelines for supervised professional experience. Dr. Horn indicated that this year's convention was the best that she has attended in a long time. She stated that the Board had a booth at the convention that was well-visited by attendees.

b) Association of State & Provincial Psychology Boards (ASPPB) Midyear Meeting

Dr. Horn reported on the Board's attendance at the Association of State and Provincial Psychology Boards' Midyear Meeting, which was held on April 26-29, 2007, in Louisville, KY. She stated that she

was invited to be part of a presentation on supervised professional experience. Carol Falender, Ph.D., was the lead speaker on the panel. Dr. Horn noted that California has about as many licensed psychologists as the other licensing jurisdictions combined.

c) Board Vacancies

Dr. Horn stated that she has spoken with the Department of Consumer Affairs' Deputy Director of Board Relations, Antonette Sorrick, who assured her that the Department is aware of the upcoming vacancies on the Board, and that the vacancies will be filled prior to the August Board meeting.

Dr. Horn noted that this was the last meeting for Howard Adelman, Ph.D., and William Lew Tan. She thanked them both for their great contributions to the Board.

d) Other President's Informational Items

Dr. Horn announced that she will be stepping down as the Board's President and turning the presidency over to someone else. She stated that it has been a great honor to serve the Board in this capacity and extended her appreciation to everyone who voted for her and put their trust in her. She asked the Chairpersons of all committees to look at the portions of the Board's website that pertain to their committees and make recommendations for improvements. She also asked staff to contact the Chairperson of each committee prior to sending out the meeting agendas to let them know what is on the agenda for their committee and to ask for any amendments.

Agenda Item #3 – Executive Officer's Report – Mr. Kahane

a) 2008 Event Calendar

Mr. Kahane referred the Board to the 2008 Event Calendar that was sent in their agenda packets with all known dates scheduled for the year.

b) California Latino-Latina Mental Health Conference

Mr. Kahane reported on his and Mr. Thomas' attendance at the California Latino-Latina Mental Health Conference, which was held on March 17, 2007, in Fullerton, CA. The conference emphasized mistaken stereotypes, family and religious values incorporated within the discipline, cultural sensitivities and other cultural diversity issues.

c) California Psychological Association Meeting

Mr. Kahane reported on his and Dr. Horn's attendance at the California Psychological Association Division II Meeting, for Excellence in Supervised Professional Experience, which was held on February 24, 2007, at Pepperdine University in Los Angeles, CA. Dr. Derek Milne conducted a very informative Power Point presentation addressing the supervisors' responsibility in giving feedback to students. Later in the day, the attendees met in smaller breakout groups for discussion. The Board printed some additional information (Best Practices in Supervision, SPE overview and SPE matrices) from our website for the attendees' packets.

d) Web Site Update

Mr. Kahane stated in-house website re-organization continues. The new website information and URL's will be submitted to DCA by July 1, 2007, for upgrade prior to December 1, 2007, as tentatively scheduled.

e) Board Office Relocation

Mr. Kahane reported on the relocation of the Board's headquarters. He indicated that the target date for the move has been pushed back to November 2007, but the lease is signed.

f) 2007 Laws and Regulations Booklets

Mr. Kahane stated that the 2007 Laws and Regulations Booklets are now available for purchase through LexisNexis. He stated that Board staff gave out over 200 copies of the booklets at the California Psychological Association Convention.

g) Other Executive Officer's Informational Items

Mr. Kahane reported on the Board's booth at the California Psychological Association Convention, which was held April 12-15, 2007, in Costa Mesa, CA. In addition to himself and Mr. Thomas, Annette Brown and Denise Russell of the Board's staff were in attendance to answer questions about licensing and continuing education respectively. The Board was well received and our contribution at this function was appreciated.

Mr. Kahane also briefly gave an account of these following items:

Over 10,000 meeting invitations were sent to licensees/registrants in Southern California notifying them of the two Board meetings (May and August). These invitations will also be used for survey purposes in the future.

Career opportunities for licensed psychologists to work at the Department of Corrections and Rehabilitation are listed on our website with links to that department.

The Board office is still back-filling positions since Kris Rose left. Lavinia Snyder is the new Licensing Coordinator. Marsha Guzzi moved to licensing as a Staff Services Analyst. There has been a reduction of processing time for applicants of 6.2 days.

Mr. Kahane noted Ms. Rashya Henderson was in attendance representing Enforcement, since Victoria Thornton, the Enforcement Coordinator, was unable to attend.

Mr. Kahane and Mr. Thomas will be interviewing for the vacant Staff Services Analyst position on Monday, May 7, 2007.

Mr. Kahane and Mr. Thomas will be attending the Black Expo in July 2007, as last year, and will also have a booth at the APA convention in August 2007 in San Francisco.

Mr. Kahane stated website reorganization continues including archiving and page revisions.

Mr. Kahane noted that Linda Lindholm resigned as a Board member effective March 14, 2007.

Mr. Kahane and the Board congratulated Dr. William Thomas (in absentia) on his wedding and honeymoon.

Mr. Kahane also gave thanks to Mr. William Lew Tan and Dr. Howard Adelman, as their terms end on June 1, 2007

Mr. Kahane also gave a personal and professional thank you to Dr. Jacqueline Horn for her guidance and dedication as Board president during his first year as Executive Officer.

Mr. Bill Tan suggested more outreach to encourage attendance at Board meetings, such as scheduling meetings in conjunction with Association of Black Psychologists and other organizations.

Agenda Item #4 – Regulations Update

a) Consumer Information – Amendments to Title 16, California Code of Regulations to Adopt Section 1396.5

Mr. Thomas reported that the final rulemaking file for section 1396.5 was approved by the Office of Administrative Law, and the newly adopted section became effective March 30, 2007.

b) Supervised Professional Experience and Registered Psychologists - Amendments to Title 16, California Code of Regulations sections 1387 and 1390.3

Mr. Thomas reported that the final rulemaking file for sections 1387 and 1390.3 is pending approval at the Office of Administrative Law, and they have until May 9, 2007 to approve the file.

c) Waiver of Exam Under Section 2946 for Applicants Certified by the American Board of Professional Psychologists (ABPP) – Amendments to Title 16, California Code of Regulations sections 1388.6 and 1381.5

Mr. Thomas reported that the final rulemaking file for sections 1388.6 and 1381.5 was approved by the Office of Administrative Law and becomes effective on May 9, 2007.

d) Supervised Professional Experience (Non-Mental Health) – Amendments to Title 16, California Code of Regulations section 1387.3

Mr. Thomas reported that the regulation hearing was held on February 10, 2007, at which the Board adopted new language. The final rulemaking file for section 1387.3 is pending submission to the DCA Legal Office. Once the Final Statement of Reasons and other documentation are complete, the final rulemaking file will be submitted to the DCA Legal Office for review.

e) California Law and Ethics Examination – Amendments to Title 16, California Code of Regulations sections 1381.5, 1388, 1388.6 and 1392 – Adoption of Modified Text

Mr. Thomas reported that after the regulation hearing on February 10, 2007, it was noticed that changes needed to be made to the originally proposed language in order to accomplish the Board's intention. Mr. Thomas stated that the originally proposed text would have inadvertently waived the CPSE for individuals who abandoned their applications due to failure to pay the initial license fee. He indicated that this was not the intention of the Board, and the language was modified to correct this oversight. Mr. Thomas reported that a 15-Day Notice of Modified Text was sent to interested parties, and the modified language was included in the agenda packets for adoption by the Board. He stated that no written comments were received.

It was M(McGhee)/S(Tan)/C to adopt the modified language and to delegate authority to Board staff to make any non-substantive changes as required to move forward with the regulatory process.

Vote: 6 – 0

Agenda Item #5 – Continuing Education Committee Report – Dr. O'Connor

a) 2006/2007 Strategic Plan Update

Dr. O'Connor reported that both 2006/2007 Continuing Education Strategic Objectives are ongoing tasks.

b) Continuing Education Statistics

Dr. O'Connor referred the Board members to the continuing education non-compliance statistics that were provided in their agenda packets. She deferred to Mr. Thomas to comment on the statistics. Mr. Thomas stated that the non-compliance rates remain fairly constant, averaging around 10% the first time a renewal period is reported to the Board. He further commented that once the licensees are notified that they are not in compliance, the non-compliance rate drops very quickly.

c) Ongoing Discussion of Ways to Improve Continuing Education Requirements

Dr. O'Connor reported that there is a new feature on the continuing education section of the Board's website. This feature invites comments, feedback and suggestions regarding continuing education. She indicated that we have received no comments to date as this feature is new to the website.

d) Discussion of Evaluation Process for Continuing Education Courses

Dr. Jo Linder-Crow, Executive Director of CPA, reported that the MCEP Accrediting Agency (MCEPAA) reviews a summary of the evaluations received by each MCEPAA-approved provider. The Continuing Education Committee will continue to monitor this issue.

e) Proposal Regarding MCEPAA Approving Providers Rather than Individual Courses

The Continuing Education Committee reviewed several options for continuing education provider/course approval provided by Jo Linder-Crow, Ph.D., Executive Director of the California Psychological Association. Dr. Linder-Crow had been asked at the last Board meeting to bring this information for consideration by the Continuing Education Committee.

Some of the options provided by Dr. Linder-Crow are as follows:

- Cease individual course review and maintain only the provider level review
- Eliminate provider and course review by the MCEP Accrediting Agency and shift to the California Psychological Association as the approval body
- Develop a two-tier approval level approach that would include initial provider and course-level review, but would move to a provider-only level review upon demonstration of administrative/organizational stability and quality of courses offered, and length of time as an approved MCEP provider

The Committee reviewed the information, and the issue will be placed on the agenda for the August Board meeting for further discussion.

f) MCEPAA Report Regarding Continuing Education Compliance and Complaints

Dr. O'Connor stated that the continuing education statistics were addressed earlier in her report.

g) Report from California Psychological Association Regarding Convention Course Feedback

Dr. Linder-Crow indicated that the data regarding the feedback from the California Psychological Association convention has not yet been compiled.

h) Web Site Updates

Dr. O'Connor indicated that the continuing education section of the Board's website needs to be updated to reflect the recent change in regulations that allows 75% of a licensee's continuing education to be accrued via independent learning.

i) Request for Exception to the Continuing Education Requirements pursuant to Title 16, California Code of Regulations § 1397.62(b) – Larry Beutler, Ph.D.

Dr. O'Connor reported that further information is needed from Dr. Beutler in order to make a decision regarding his request for exception to the continuing education requirements. The Continuing Education Committee directed staff to request specific course descriptions of the courses Dr. Beutler is requesting credit for and also for Dr. Beutler to clarify that the functions that he is performing is training and treatment. Once the requested information is received, the Committee recommended that Dr. O'Connor be delegated the authority for review and to make a decision on behalf of the Board rather than making Dr. Beutler wait until the August Board meeting for the information to be reviewed.

j) California Psychological Association Proposal for a Board of Psychology Conference on Diversity

The California Psychological Association has submitted a proposal to the Board requesting that the Board sponsor a conference on diversity. Dr. O'Connor stated that a conference on diversity is a wonderful idea, but it's not clear what Board's role would be. Staff was directed to contact the Board of Behavioral Sciences (BBS), which sponsored a similar conference, to determine why the BBS held such a conference, who their audience was and what the outcome of the conference was. It was recommended that this issue be moved to the Consumer Education Committee and placed on the agenda for the August Board meeting.

k) Agenda Items for Next Committee Meeting

Dr. O'Connor stated that an issue was raised during Friday's Continuing Education Committee meeting regarding the acceptance of continuing education courses taken by licensees after they have renewed their license, but prior to the actual expiration date of the license. Currently, only those courses taken after the expiration date of the license can be counted toward the next renewal of the license. The Continuing Education Committee recommended placing this issue on the agenda for the August Board meeting.

There was also an issue raised regarding notation of a continuing education deficiency being made on a license prior to the expiration date of the license. Mr. Thomas explained that when a licensee submits a renewal indicating that he or she has accrued less than the required number of hours of continuing education, a code indicating a continuing education deficiency is placed on the license to prevent renewal until compliance is attained. He explained that this code is added at the time the renewal is processed which may result in the deficiency notation prior to the expiration date of the license. Mr. Thomas stated that this notation does not affect the licensee's ability to practice up to the expiration date of the license; however, he will explore placing a clearer definition of the code in the system to avoid any confusion.

It was M(CE Committee)/C to accept the Continuing Education Committee's report and recommendations.

Vote: 6 – 0

Agenda Item #6 – Credentials Committee Report – Dr. Graff

a) 2006/2007 Strategic Plan Update

Dr. Graff reported that Strategic Objective 2.01, to publish desk manuals for the Licensing Analyst positions, has been completed. She also reported that Strategic Objectives 2.02 and 2.03, both regarding the iLicensing Project, are in process, as the iLicensing Project is still in the vendor procurement stage.

b) Satisfaction Survey Results

Dr. Graff reported that the satisfaction survey had a very low response and is not enough to accurately rate the Board's overall performance. The Credentials Committee recommends revising the survey to allow explanations for any "poor" remarks and also to look into providing pre-paid postage to increase the number of responses.

c) Review Plan(s) for Supervised Professional Experience in Non-Mental Health

The Credentials Committee recommended to approve V.V.'s plan for supervised professional experience in non-mental health services pursuant to Section 1387.3(a) of the California Code of Regulations.

The Credentials Committee recommended to defer E.S.'s plan for supervised professional experience in non-mental health pending receipt of additional information. Specifically, staff was directed to contact E.S. to obtain further definition of the supervisor's and supervisee's duties. Once the information is received, E.S.'s plan will be presented at the next Board meeting.

d) Discussion of Plan(s) for Supervised Professional Experience for Psychological Assistant Registration

The Credentials Committee recommended further review of the issue of plan(s) for supervised professional experience for psychological assistants, specifically in the development of a more sequential plan for supervised professional experience in the areas of private practice and to provide direction to staff on how to review such plans. The Credentials Committee also wants to discuss setting time limits for registration as a psychological assistant. This issue will be placed on the agenda for the August Board meeting.

e) Discussion of the California Psychology Internship Council (CAPIC) Post-Doctoral Internship

It was M(Credentials Committee)/C to move forward with regulation changes to amend Section 1387 of the California Code of Regulations to accept CAPIC post-doctoral training programs.

f) Discussion of the Bureau for Private Postsecondary & Vocational Education (BPPVE) Sunset – Approved Schools

Dr. Graff reported that the Bureau for Private Post-Secondary and Vocational Education (BPPVE) will become inoperative as of July 1, 2007. She stated that there is currently pending legislation (SB 823 and AB1525) which would affect approved schools. The Board will continue to monitor the situation, and determine what, if any, action needs to be taken pending the outcome of SB 823 and AB 1525.

Charles Faltz, Ph.D., from the California Psychological Association, commended the Board for taking responsible action with regard to the sunset of the BPPVE.

g) Assessment of Competency Benchmarks Work Group Report – February 2007

Dr. Graff stated that she and Dr. Horn attended the California Psychological Association Division II meeting, which was held on February 24, 2007, at Pepperdine University in Los Angeles, CA. She referred the Board to the paper titled “Assessment of Competency Benchmarks Work Group: A Developmental Model for the Defining and Measuring Competence in Professional Psychology” which was provided in their agenda packets. She explained that this is a model that was developed to assess levels of competency and, among other things, incorporates what good supervision entails, recommends agreements between supervisees and supervisors, focuses on courses that supervisors should take to ensure competency, and presents ideas for competent supervision at every level of training. Dr. Horn suggested the Board use this model as a guideline to help assess competency by the committees responsible for supervision, examination and continuing education.

It was M(Credentials Committee)/C to accept the Credentials Committee’s report and recommendations.

Vote: 6 – 0

Agenda Item #7 – Examination Committee Report – Dr. O’Connor

a) 2006/2007 Strategic Plan Update

No additional comments were made regarding the Examination Strategic Objective.

b) 2006 Examination for Professional Practice in Psychology (EPPP) Statistics

Dr. O’Connor reported on the pass rate on the Examination for Professional Practice in Psychology (EPPP) for the months of January, February and March, 2007. Dr. Adelman requested that the statistics for the prior year be provided as well for future meetings as a basis for comparison.

c) California Psychology Supplemental Exam (CSPE) Update

Dr. O’Connor addressed the anomaly that occurred with the February 2007 form of the California Psychology Supplemental Examination (CPSE). She stated that as a result of the anomaly, candidates who failed this form of the examination are being allowed to take an alternate form of the CPSE free of charge.

The Examination Committee reported on the recommendations made by the Office of Examination Resources (OER) for future CPSE examinations. These recommendations are as follows:

- 1) To not post the CPSE passing statistics on a monthly basis on the Board’s website. Rather, the recommendation is to wait until an examination version has been stopped before posting the final passing rate on the website.
- 2) To provide the term “pass” to all candidates who pass their examination and only provide actual scores to candidates who failed their examination as a form of feedback. The Examination

Committee recommended to implement recommendation #2 with the next form of the CPSE, but to reject recommendation #1.

d) Discussion of Non-Mental Health Examination Process

Dr. O'Connor reported that the Office of Examination Resources recommends that an Occupational Analysis (OA) be conducted approximately every five years, and the next OA is not scheduled to take place until 2009. Staff was directed to contact the OER to determine if an occupational analysis can be performed sooner to better incorporate non-mental health practitioners.

Dr. Charles Faltz commented that performing an OA the same way it has been done in the past is a methodological error simply because of sampling. Dr. Horn stated that the next OA would be different because it would target non-mental health practitioners to participate and contribute.

Dr. Adelman stated that there is a need for continued discussion with the OER regarding this matter simply because it is not appropriate for non-mental health practitioners to take an exam that is geared towards clinical practice. He suggested that staff provide current regulations to determine any limitations and present at the next Board meeting for further discussion.

It was M(Examination Committee)/C to accept the Examination Committee's report and recommendations.

Vote: 6 – 0

Agenda Item #8 - Enforcement Committee Report – Mr. Tan

a) 2006/2007 Strategic Plan Update

William Lew Tan reported that the committee met and discussed the strategic plan. Mr. Tan noted that the enforcement goals have either been met or are on target, with the exception of the following target date changes:

Enforcement Goal 1.01, target date is now 08/01/2007

Enforcement Goal 1.02, target date is now 11/01/2007

Enforcement Goal 1.06, target date is now 08/01/2007.

b) Enforcement Statistics

Mr. Tan referred the Board to the enforcement statistics in the agenda packet. He noted that there are no remarkable trends to report.

Mr. Tan asked that Robert Kahane discuss the status of the Vertical Prosecution matrix/statistics. Mr. Kahane indicated that Victoria Thornton had attempted to obtain information from the Medical Board investigation offices, and it has been determined that there is not enough information available at this time upon which to base reliable statistics. The Board of Psychology will wait for the Medical Board report regarding the vertical prosecution process, which is due to the Legislature in July, to obtain the specific information regarding Board of Psychology cases, if such information exists.

Mr. Kahane reported that the Expert Training Session that was scheduled to be held at the CPA convention was cancelled due to lack of participation. The Enforcement Committee recommended placing this issue on the agenda for the August Board meeting to discuss expert training requirements and the issue of how to get experts to attend the training sessions.

It was M(Enforcement Committee)/C to accept the Enforcement Committee's report and recommendations.

Vote: 6 – 0

Agenda Item #9 – Legislation Committee Report – Mr. McGhee

a) 2006/2007 Strategic Plan Update

Mr. McGhee reported that Strategic Objective 5.01 is an ongoing task.

b) SB 374 (Harman) – Military Benefits

Mr. McGhee reported that SB 374, as amended April 16, 2007, would require every board, bureau, and commission within the Department of Consumer Affairs to waive the initial license fee and the renewal fee for any license, certificate, or registration issued, under the authority of that board, bureau, or commission, to a qualified member, or the spouse of a qualified member, as defined, if specified requirements are satisfied. The Legislation Committee recommended that the Board support this bill.

c) SB 822 (Aanestad) – Certified Prescribing Psychologists

Mr. McGhee reported that the prescribing portion of this bill was combined with SB 993. SB 822 became a bill to give limited immunity from liability for supervisors of specified professions. Dr. Faltz stated that the California Psychological Association is trying to get psychology added to the list of affected professions.

d) SB 823 (Perata) – Postsecondary Education Act of 2007

Mr. McGhee reported that SB 823, as amended March 27, 2007, would recast, revise, and reenact the provisions of the Private Postsecondary and Vocational Education Reform Act of 1989 as the California Private Postsecondary Education Act of 2007. The bill would establish the Board for Private Postsecondary Education in the Department of Consumer Affairs, and would provide that the board would succeed to the duties assigned to the bureau under the 1989 act. The bill would continue the existence of the Private Postsecondary and Vocational Education Administration Fund and the continuously appropriated Student Tuition Recovery Fund, thereby making an appropriation. Certain violations of the new act would be punishable as crimes, thereby establishing a state-mandated local program. This bill would not become operative unless and until AB 1525 is chaptered and becomes operative (please see below agenda item (k)). The Legislation Committee recommended that the Board take a watch position on this bill.

e) SB 993 (Calderon) – Prescribing Drugs

Mr. McGhee reported that the prescribing portion of SB 822 was merged with this bill. Dr. Chuck Faltz stated that SB 993 would allow prescribing privileges to psychologists. He stated that this bill did not pass Committee and now becomes a two-year bill. He stated that the bill may be reintroduced next January if the sponsor of the bill wishes to reintroduce it. Dr. Faltz stated that CPA will monitor the situation and update the Board as information becomes available.

It was M(Legislation Committee)/C to establish an ad hoc committee to evaluate how consumers would be affected by such a bill, and the implications for licensure and regulation, and to make recommendations regarding the addition of prescription privileges to the scope of practice.

Dr. Horn appointed Dr. Graff as the Chair of the ad hoc committee and Dr. O'Connor as a member.

f) AB 865 (Davis) – Live Customer Service Agents

Mr. McGhee reported that AB 865, as introduced on February 22, 2007, would require each state agency to answer an incoming call with a live customer service agent, subject to certain exceptions. Existing law requires each state agency to establish a procedure whereby incoming telephone calls on any public line shall be answered within 10 rings during regular business hours, subject to certain exceptions. Mr. McGhee stated that this bill was amended to allow automated systems to answer the calls, provided that there is an option to speak to a live customer service agent. The Legislation Committee recommended that the Board take a watch position on this bill.

g) AB 1025 (Bass) – Denial of Licensure

Mr. McGhee reported that AB 1025, as amended April 16, 2007, would provide that a person may not be denied licensure or have his or her license suspended or revoked based on a criminal conviction that has been dismissed on specified grounds. This bill would require the Board to provide an applicant or ex-licensee whose application has been denied, or whose license has been suspended or revoked based upon a crime, with a copy of his or her criminal history record, as specified. This bill would require the Board to maintain specified information pertaining to the provision of criminal history records and to make that information available upon request by the Department of Justice of the Federal Bureau of Investigation. Mr. McGhee stated that the Department of Consumer Affairs has taken an Oppose position on this bill. The Legislation Committee recommends that the Board oppose this bill.

h) AB 1367 (DeSaulnier) – Alcohol and Drug Abuse Counselors Licensing Law

Mr. McGhee reported that AB 1367, as amended April 16, 2007, would enact the Substance Abuse Professionals Licensing Law and provide for the licensing or registration and regulation of alcoholism and drug abuse counselors and interns by the Board of Behavioral Sciences. Mr. McGhee reported that the hearing on this bill was cancelled at the request of the author.

i) AB 1393 (Leno/Maze) – Record Request on Web Site (Inspection)

Mr. McGhee reported that AB 1393, as amended April 11, 2007, would as of January 1, 2009, require any state agency that publishes an Internet web site to include on the homepage of that site specified information that is not exempt from disclosure under the California Public Records Act about how to contact the agency, how to request records under the act, and a form for submitting online requests for records. It would authorize any person to bring an action to enforce the duty of a state agency to post this information and would provide for penalties, including monetary awards, to be paid by the agency, with specified provisions to become operative on January 1, 2009. He stated that this bill would also authorize a person to request the Attorney General to review a local agency's denial of a written request to inspect or receive a copy of a public record and would require the Attorney General to issue a written decision within 20 working days of the date the written request and written response or lack of response of an agency is received by the Attorney General. This bill would require the Attorney General to maintain copies of the opinions issued pursuant to these provisions, to publish the opinions annually in a special volume, and to make them available on the Internet. The Legislation Committee recommended that the Board take a watch position on this bill.

j) AB 1486 (Calderon) – Licensed Professional Counselors

Mr. McGhee reported that AB 1486, as amended April 11, 2007, would provide for the licensure or registration and regulation of licensed professional counselors and interns by the Board of Behavioral Sciences (BBS). This bill would add four additional members to the BBS to be appointed by the Governor. This bill would enact various provisions concerning the practice of licensed professional counselors, interns, and trainees, including, but not limited to, practice requirements, and enforcement specifications. This bill would authorize the issuance of licenses between October 1, 2008, and March 31, 2009, to individuals who meet certain criteria. This bill would authorize the BBS to begin accepting applications for intern registration on January 1, 2009, and for professional counselor licensure on an unspecified date. This bill would authorize the BBS to impose specified fees on licensed professional counselors and interns which would be deposited in the Behavioral Sciences Fund and would make a continuous appropriation from that fund to the BBS to carry out the provisions of the bill. Mr. McGhee reported that the hearing on this bill was held on April 23, 2007, and that the bill passed out of the original committee with a unanimous vote. The Legislation Committee recommends that the Board take a watch position on this bill.

k) AB 1525 (Cook) – Bureau for Private Postsecondary & Vocational Education (BPPVE)

Mr. McGhee reported that AB 1525, as amended April 16, 2007, would express the intent of the Legislature to provide for the protection of the interests of students who, and institutions which, have pending matters, or any other pending business, before the Bureau for Private Postsecondary and Vocational Education (BPPVE) as of June 30, 2007. This bill would require that each matter, as defined, pending before the BPPVE as of the close of business on June 30, 2007, be deemed to remain pending before the BPPVE or a successor agency as of January 1, 2008, irrespective of any applicable deadlines. With respect to any deadline applicable to a pending matter, this bill would require that no time be deemed to have elapsed between July 1, 2007, and December 31, 2007.

Mr. McGhee stated that this bill would require that any institution, program, or course of study that is approved by the BPPVE as of the close of business on June 30, 2007, be deemed to be approved as of January 1, 2008, irrespective of any applicable conditions, deadlines, or additional requirements. This bill would also require that, with respect to any deadline applicable to the approval or conditional approval of an institution, program, or course of study, no time shall be deemed to have elapsed between July 1, 2007, and December 31, 2007.

He indicated that this bill would authorize the Director of the Department of Consumer Affairs to enter into voluntary contracts with institutions for compliance with statutes, rules, and regulations applicable to these institutions as of June 30, 2007.

Mr. McGhee reported that this bill would continue the existence of the Private Postsecondary and Vocational Education Administration Fund and the continuously appropriated Student Tuition Recovery Fund, thereby making an appropriation. These provisions would be repealed on January 1, 2008. This bill would authorize the approval of private postsecondary institutions for specified purposes until July 1, 2008. This bill would become operative only if SB 823 is chaptered before July 1, 2007.

He stated that this bill would declare that it is to take effect immediately as an urgency statute. The Legislation Committee recommends that the Board take a watch position on this bill.

It was M(Legislation Committee)/C to accept the Legislation Committee's report and recommendations.

Agenda Item #10 – Consumer Education Committee Report – Mr. McGhee

a) 2006/2007 Strategic Plan Update

Mr. McGhee reported that Strategic Objective 4.01 is an ongoing task.

b) BOP Mail Monthly Statistics

Mr. Kahane reported that staff has started tracking emails sent to the Board's main email address.

c) Consumer Outreach

Mr. Kahane reported that the Board will have a booth at the APA convention in August 2007 in San Francisco, CA.

Mr. Kahane stated that the translation of the Board's consumer brochures is in process and should be completed by the next Board meeting. Once completed, they will be mailed out to community-based organizations.

Mr. Kahane reported that as of May 25, mental health professionals will need a National Provider Index (NPI) number for government billing, especially through Medicare. If the NPI # is not submitted, Medicare will return it and the provider will not get paid. Mr. Kahane stated that there will be a notice in the next "BOP Update," and a notice will be placed on the Board's website as soon as possible.

Mr. McGhee asked Dr. O'Connor to speak to the issue of the verbal attack on psychologists by Tom Cruise. Dr. O'Connor suggested doing an article responding to these types of attacks on psychologists. She stated that it is necessary to educate and protect consumers in response to slanderous attacks.

Dr. O'Connor discussed having a blog on the Board's website for support and resources for issues such as the Virginia Tech attack. She stated that mental health resources could be provided on the blog and could be used by other agencies nationally. She also discussed the possibility of developing an extensive consumer guide to provide information such as mental health issues and resources available to college and university students. Dr. Adelman stated that we can use the website to provide gateways to information rather than creating the information on the Board's website.

d) BOP Update

Mr. Kahane reported that he is waiting for one article in order to start formatting the "BOP Update."

e) Web Site Statistics

Mr. McGhee referred the Board to the website statistics that were provided in the agenda packets.

It was M(Consumer Education Committee)/C to accept the Consumer Education Committee's report and recommendations.

Agenda Item #11 – Personnel and Board Operations Committee- Mr. Tan

a) 2006/2007 Strategic Plan Update

Mr. Tan reported that Strategic Objective 6.01 regarding paperless storage is still in process. Mr. Kahane reported that the Board had expressed interest in joining in on the DCA imaging project; however, that project is now requiring each Board to provide the employees necessary to manage the

project on an ongoing basis. Since the Board does not have the resources to dedicate to this project, we will keep a watch on the DCA project, and look at other alternatives.

Mr. Tan reported that Strategic Objective 6.02 regarding the repayment of the General Fund Loan is still in process. He stated that the Board's request this past year was denied, and that we will be asking for repayment again in the next fiscal year.

b) Review Executive Officer Performance Evaluation Form Revisions

The Personnel and Board Operations Committee recommended approval of the Executive Officer Performance Evaluation form with revisions. The revised form will be sent out to all Board members for completion. The completed forms will be sent directly to Mr. Tan so that he will have sufficient time to compile the evaluations received prior to the end of his term. The Executive Officer Performance Evaluation will be placed on the agenda for the August Board meeting.

c) Review Process for Board Elections

Mr. Tan referred the Board to the Board's policy on Election of Officers that was provided in the agenda packets. He stated that this is being provided as an informational item as the annual election of officers follows.

It was M(Personnel and Board Operations Committee)/C to accept the Personnel and Board Operations Committee report and recommendations.

Agenda Item #12 – Ad Hoc Committee on Facilitating Psychologists' Participation in Disaster Response Report

Dr. O'Connor reported that the article for the "BOP Update" educating psychologists on disaster response has been submitted for review. She stated that the article provides a clear path to the American Red Cross volunteer organization which is the most organized volunteer organization thus far. She stated that the article also encourages psychologists to take a look at their own record keeping in case of an emergency.

The Ad Hoc Committee on Facilitating Psychologists' Participation in Disaster Response recommended a discussion regarding informational gateways and links for the Board's website as an agenda item for the August Board meeting in light of the incident at Virginia Tech.

It was M(Ad Hoc Committee on Facilitating Psychologists' Participation in Disaster Response)/C to accept the Ad Hoc Committee on Facilitating Psychologists' Participation in Disaster Response's report and recommendations.

Agenda Item #13 – Election of Officers

(a) President

Dr. Horn nominated James McGhee for President. It was M(Horn)/S(Adelman)/C to elect Mr. McGhee as President.

Vote: 6 – 0

Mr. McGhee thanked the Board for the confidence they have in him to elect him as the Board's President. He stated that he is completely committed to the Board and what it does to protect the

public. He feels strongly that we as a nation must protect our citizens and he has been honored to sit on the Board.

(b) Vice-President

Mr. McGhee nominated Sharon O'Connor, Ph.D., for Vice-President. It was M(McGhee)/S(Horn)/C to elect Dr. O'Connor as Vice-President.

Vote: 6 – 0

Dr. O'Connor stated that she is looking forward to serving as the Board's Vice-President.

Agenda Item #14 – Public Comment on Items Not on the Agenda

Florence Bishop with Trinity College stated that she was pleased to be in attendance at the Board meeting.

Allison Parelman, Ph.D., CPA Division II, stated that, as a long-time observer of the Board, she appreciates the work done by this Board. She gave accolades to Mr. Tan and Dr. Adelman.

Agenda Item #15 – Agenda Items for Future Meetings

None.

It was M(Adelman)/C to adjourn the meeting.

The open session meeting adjourned at 11:23 a.m.

Jacqueline B. Horn, Ph.D.
President

Date